

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Case Number CR-94-64-1-C
)	
TIMOTHY SHAUN JOHNSON,)	
)	
Defendant.)	

MEMORANDUM OPINION AND ORDER

In response to the Tenth Circuit’s request for clarification, the Court provides the following:

Relying on the First Step Act of 2018 (“FSA 2018”), Defendant sought a reduction in his sentence. After considering the relevant facts and law, the Court declined to reduce Defendant’s sentence. The Court determined that application of the FSA 2018 and the Fair Sentencing Act of 2010 (“FSA 2010”) did not alter Defendant’s guideline range. The Court found as a matter of law that under the FSA 2018 any resentencing occurs pursuant to 18 U.S.C. § 3582(c)(1)(B), which limits the scope of resentencing authority to the triggering statute (such as the FSA 2018) rather than a broad authorization to resentence as found in § 3582(c)(2). Thus, because Defendant’s guideline range did not change, the Court did not have authority to reduce his sentence.

IT IS SO ORDERED this 26th day of June, 2020.



ROBIN J. CAUTHRON
United States District Judge